



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 6, 2022

VIA ECF

Hon. John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Barry v. Mayorkas, et al.*, No. 22 Civ. 2968 (JGK)

Dear Judge Koeltl:

This Office represents the government in the above-referenced action in which plaintiff is challenging USCIS's administrative closure of his application to adjust his status to a lawful permanent resident for lack of jurisdiction. The deadline for the government to respond to plaintiff's complaint is currently June 13, 2022. Based on recent developments explained in further detail below, I write respectfully, on behalf of all parties, to jointly request that the Court stay this matter and permit the parties to file a joint status letter within 90 days.

The reason for the requested stay is that the parties are endeavoring to resolve this matter without the need for further litigation. Plaintiff, who has received Temporary Protected Status and is seeking to adjust his status to a lawful permanent resident, will be requesting that U.S. Immigration and Customs Enforcement's Office of the Principal Legal Advisor consider joining in a motion to reopen his immigration proceedings in order to terminate his order of removal and return the matter to U.S. Citizenship and Immigration Services ("USCIS"). Assuming that the matter is returned to USCIS, plaintiff will move before USCIS to re-open his application for adjustment of status and, to the extent that USCIS grants that motion, USCIS will then proceed to adjudicate plaintiff's application.

Because a favorable adjudication on the adjustment application would render plaintiff's challenge to the administrative closure of his application moot, the parties believe it would be prudent to stay this action, and respectfully request that they be permitted to file a joint status letter within 90 days regarding the progress of the administrative proceedings.

APPLICATION GRANTED
SO ORDERED

John G. Koeltl

John G. Koeltl, U.S.D.J.

6/6/22

This is the parties' first request for a stay, and we thank the Court for its consideration of this request.

Respectfully submitted,

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cc: counsel of record (via ECF)